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ter which we at this day sustain. It is not a work from which our true history is to be learned.

ART. XIX.—*Novanglus and Massachusettensis; or Political Essays, published in the years 1774 and 1775, on the principal points of controversy between Great Britain and her Colonies. The former by John Adams, late President of the United States; the latter by Jonathan Sewall, then King's Attorney General of the Province of Massachusetts Bay. To which are added a number of letters, lately written by President Adams to the Hon. William Tudor. 8vo. pp. 312. Boston, Hews & Goss, 1819.*

MUCH interest has been excited of late by the question,—who began the American revolution? By this we understand that change in the political relations of Great Britain and her Colonies, which arose from the controversy between them with regard to the authority of Parliament and terminated in the declaration of Independence,—for that was the completion of this change of government, the end of the revolution, and not, as some appear to think, its beginning. The zeal displayed in discussing the respective pretensions of those who are said to be its authors, might almost induce us to imagine that it had sprung forth at once in full maturity from the fertile brain of some individual, before whom we must fall down and worship. Not so;—it was the offspring of the nation, and grew up slowly; proceeding by cautious and reluctant advances, but acquiring strength and confidence at every step, from jealousy to discontent, murmurs, complaint, petition, remonstrance, menace, opposition and independence. Which of all these was the beginning of the revolution, and when and how they succeeded each other are questions, to which it is not easy to give an answer generally satisfactory. It is true indeed, that changes in the sentiments of a whole people cannot be secret, nor ordinarily accomplished by secret means; but they are often brought about by gradations too imperceptible to be fixed and measured, however astonishing their result. We are frequently unable to determine the progressive variations in our own sentiments and opinions; still more so to trace those, which take place among our daily

associates. Who then can designate the precise point, which the accumulating and impetuous flood of popular excitement had attained, at any particular moment of its progress ?

It is true, also, that individuals can have personal intercourse with but few of their contemporaries, and must therefore in a great measure found their opinions, with regard to the sentiments of a numerous and scattered people, even when they live among them, on what is publicly done and written, and that what was done in the American revolution is still known, and a great part of what was written still extant ; so that the difficulty of marking its successive advances arises from the nature of the subject, rather than from any want of the usual means of information. But the very abundance of these means occasions a neglect of them. Few are willing, when the zeal of the contest and all solicitude for its event are gone by, to read the repetition, in a thousand forms, of arguments for and against positions now deemed indisputable, and of appeals to passions that are dead, or to interests that are forgotten. And yet this is the only way to become acquainted with the revolution. A chronological catalogue of political measures or a cold analysis of the publications of the day, though of great use in directing our researches, can give little idea of the nature of the controversy. It is necessary to realize, if not to participate the feelings of the people, to mingle, as it were, in the contest, to trace its path, though we cannot exactly measure its progress, and to become familiar with the tone assumed, as well as with the principles asserted in every successive period of the struggle. After all, it will be difficult to ascertain the comparative merits of individuals and the relative influence of different events, or to determine, of particular publications, how far they prompted or only echoed the voice of the people.

These circumstances may in some measure account for an important error of Mr. Wirt in his panegyric on Patrick Henry ; an error however, which can hardly be regretted, since we owe to it the interesting letters subjoined to *Novanglus* and *Massachusettensis*, and perhaps the republication at the present time of these essays themselves. We allude to his assertion, that the resolutions of the House of Burgesses in Virginia, on the thirtieth of May 1765, were the commencement of the revolution. The four first of these resolutions declare, that the first settlers of the colony brought with

them and transmitted to their posterity all the rights of British subjects ; that these had been confirmed by two charters ; that the taxation of the people by themselves or their representatives is the characteristic of British freedom ; and that this right had never been surrendered, or forfeited by the colony, but had been constantly recognized by the king and people of Great Britain. The fifth is in these words.

‘Resolved, therefore, that the general assembly of this colony have the sole right and power to lay taxes and impositions upon the inhabitants of this colony ; and that every attempt to vest this power in any person or persons whatsoever, other than the general assembly aforesaid, has a manifest tendency to destroy British as well as American freedom.’ [Life of Patrick Henry, p. 57.]

‘The reader will remark,’ says Mr. Wirt, ‘that the first four resolutions as left by Mr. Henry, do little more than reaffirm the principles advanced in the address, memorial, and remonstrance of the preceding year ; that is, they deny the right assumed by the British parliament, and assert the exclusive right of the colony to tax itself. There is an important difference, however, between those state papers and the resolutions, in the point of time and the circumstances under which they were brought forward ; for the address and other state papers were prepared before the stamp act had passed ; they do nothing more, therefore, than call in question, by a course of respectful and submissive reasoning, the propriety of exercising the right, before it had been exercised ; and they are moreover, addressed to the legislature of Great Britain, by *the way of prevention*, and in a strain of decent remonstrance and argument. But at the time when Mr. Henry offered his resolutions, the stamp act had passed, and the resolutions were intended for the people of the colonies. It will also be observed that the fifth resolution, as given by Mr. Henry, contains the bold assertion, that every attempt to vest the power of taxation over the colonies, in any person or persons whatsoever, other than the General Assembly, had a manifest tendency to destroy British as well as American freedom ; which was asserting in effect, that the act, which had passed was an encroachment on the rights and liberties of the people, and amounted to a direct charge of tyranny and despotism against the British king, lords and commons.’ [Life of Patrick Henry, pp. 59, 60.]

‘The revolution may be truly said to have commenced with his (Mr. Henry’s) resolutions in 1765. From that period, not an hour of settled peace had existed between the two countries. It is true, that the eruption produced by the stamp act, had subsided with its repeal, and the people had resumed their ancient

settlements and occupations; but there was no peace of the heart or of the mind.' p. 85.

These resolutions do not appear to us to recommend or even to threaten resistance; nor can we assent to the opinion that they were more vigorous or more daring because they were designed for the people, or think that they would have lost any thing of their energy by being addressed directly to Parliament. We are sensible, however, to the justice of the distinction between denying the constitutionality of an act under discussion, and that of one already passed. Yet if the passages above cited are designed to intimate, that no act of parliament by which taxes had been imposed on the colonies was, before this time, openly declared an encroachment on the rights and liberties of the people, they are so far erroneous. The House of Representatives of Massachusetts had made a similar declaration with regard to the revenue act of the preceding year, in language by no means less bold or less explicit than this of Virginia.*

The suggestion, that the stamp act was the first cause of colonial discontent, is not new. At a later period of the revolution, the most distinguished American writers urged it upon their countrymen as a strong motive to unite in opposing the tea act, that the imposition of duties for the purpose

* It is a remarkable fact, that the resolutions published in 1765, as those of Virginia, and which then excited so much attention, were the two first and two last of those actually passed,—together with the two following still bolder.

'Resolved, that his majesty's liege people the inhabitants of this colony, are not bound to yield obedience to any law or ordinance whatsoever, designed to impose any taxation whatsoever upon them, other than the laws and ordinances of the General Assembly aforesaid.'

'Resolved, that any person, who shall by speaking or writing, maintain that any person or persons other than the General Assembly of this colony, have any right or power to impose or lay any taxation on the people here, shall be deemed an enemy to this, his Majesty's colony.'

These six resolutions are said to have been circulated in manuscript in Philadelphia and New York, but on reaching Newport they were inserted in the newspaper there, and copied into the others throughout New England; and the Assembly of Rhode Island, at its session in August, adopted all of them, except the last;—a sufficient proof that the inhabitants of this part of the country at least, were ready to hear and to repeat more than Virginia had in fact uttered. It is stated in Prior Documents, and in Marshall's life of Washington, that the two resolutions cited above, were drawn up by the committee of the House of Burgesses, but not passed. Mr. Wirt, however, shews that none such were even proposed and thus leaves this singular fact altogether unexplained.

of revenue was not only unjust, but unprecedented, well knowing that arguments deduced from established usage, have great influence over the conduct of individuals, and still more over that of communities. On the other hand, the adherents of the ministry pretended that the Americans had opposed only the stamp duties, which were repealed, and had submitted without complaint to acts of commercial revenue quite as burdensome both in principle and in operation as the tea act, and thus acquiesced in the authority of parliament to pass them. Their object in this misrepresentation was to disparage the purity of the colonial cause, by casting on the people the reproach of inconsistency and innovation. In Mr. Wirt, the mistake undoubtedly arises from a desire of conferring honour on his native state and on Patrick Henry, and from a want of minute attention to the history of the revolution before the time when his hero became an actor in it.

It is not a mere point of honor to correct this mistake ; for it is one which might lead to important consequences. He who should study the history of the American revolution only from the period assigned by that writer as its commencement, would form very erroneous ideas of the character of the contest and of the temper of the people. If the inhabitants of New England had in truth considered the stamp act as the first attack on their liberties, we should have less reason to be proud of their conduct. What?—all exasperated in an instant by the first solitary encroachment ; popular indignation bursting forth in occasional riots and universal execrations, without having tried the effect of expostulation, remonstrance and argument ? Were they,—greedy of change, intoxicated by prosperity and elate with the hope of independence,—watching an opportunity for contention and eager to snatch it ? Where then were the patience and moderation, the fidelity to established government and unwillingness to make innovations, of which they and we have been accustomed to boast ? It is no wonder that Mr. Adams has been drawn forth to correct an error tending to occasion so gross a misunderstanding of the wrongs, and endurance, and sufferings, and labours, which he witnessed and shared.

He states the year 1760 to be the period, and the operation of the laws of trade the cause, of the first discontents in America. In conformity with the practice, or as Montes-

quieu chooses to call it, the fundamental law of Europe, the English colonies were prohibited from sending any where but to Great Britain those of their productions, from whose monopoly that country could derive a profit; and were allowed to import nothing (with the single exception of salt for the fisheries) from any part of the European continent. Even their domestic manufactures were greatly restricted, particularly those of wool, beaver and iron. It must be acknowledged, however, that many of the colonial regulations were badges of subjection rather than actual restraints, and were impolitic only because they were odious and useless.

Rice, tobacco and naval stores, the principal productions of the southern colonies, were among the enumerated commodities, which could be carried by them only to Great Britain. But this was the best market for the latter, the importation of American tobacco was encouraged there by an act prohibiting the culture of that plant in the European dominions of the crown; and rice might be carried in vessels, whose owners resided in England, to any part of the world. On the exportation of grain, the chief produce of the middle colonies, there was no restraint. It was sent in part to the English West Indies, but mostly to the southern parts of Europe, whence its proceeds were remitted to England. The colonies of New England, where the length and severity of the winters required the greatest consumption of British manufactures in proportion to the population, could make remittances only in a more circuitous and unfavourable manner. They sent, indeed, furs, whale oil and some timber to England, and, as well as the middle colonies, flaxseed to Ireland; but their commerce consisted principally in carrying salt fish and West India sugar to the south of Europe,—whence they could import nothing but salt directly; and fruit, wine, and oil through England, the residue of their proceeds being remitted to that country to purchase its manufactures—in carrying New England rum to the African coast to buy slaves for the southern colonies and the English islands—and in carrying lumber, salt fish of inferior quality for the slaves, and horses and mules to the West Indies, taking in return rum, sugar, and above all, molasses to be distilled into rum for the African trade and for the purchase in the southern colonies of naval stores for Great Britain. On this last trade, both the others depended; for unless

a market could be found in the West Indies for the fish of inferior quality, the fishery could not be continued, the sale of the best kind in Europe not affording it an adequate support; and if they could not obtain molasses at a reasonable price, their distilleries were ruined and there was an end of the traffic with Africa. A considerable portion of this essential trade was carried on with the French Islands, whose produce was cheaper than that of the English, not only because it was not burdened with a duty on exportation, but because the French planters were temperate and economical, and remarkable for their attention to the health and comfort of their slaves.

In 1731 the inhabitants of the English islands, desiring to exclude the French from sharing with them the North American trade, though it could supply the wants of both, had petitioned Parliament that intercourse between the northern colonies and the possessions of France in America might be prohibited or greatly restrained; and, in consequence of this application, an act had passed, for "securing and encouraging the trade of his majesty's sugar colonies in America," imposing duties on sugar and rum, and sixpence on every gallon of molasses imported from a foreign colony into any of the British dominions in America. This impost of more than fifty per cent would, if rigidly exacted, have confined the commerce of North America almost exclusively to the English islands, which did not afford a sufficient market for its exports, particularly for its salt fish, and where an adequate supply of molasses could not be obtained; since, with the exception of Jamaica, they all distilled their own. Though this partial and impolitic statute was continued from time to time, in order to quiet the clamours of the English planters, it was the least respected, perhaps because the most pernicious, of the acts of trade; none of which were strictly enforced until after the reduction of Canada.

The English government, regarding the colonies and the colonists as their property, no sooner felt secure in the possession of them, than it very naturally began to consider how to make them most profitable. With this view the officers of the revenue were instructed in 1760 to carry the acts of trade rigidly into execution. In order to fulfil these instructions completely, the deputy collector of Salem applied to the Superior Court for a writ of assistance. According to the ordinary

course of law, no searches or seizures can be made without a special warrant, issued upon probable cause, supported by oath or affirmation, particularly designating the place to be searched and the goods to be seized. But the writ of assistance was to command all sheriffs and other civil officers to assist the person, to whom it was granted, in breaking open and searching every place, where he might suspect any prohibited or uncustomed goods to be concealed. It was a sort of commission, during pleasure, to ransack the dwellings of the citizens, for it was never to be returned, nor any account of the proceedings under it rendered to the court, whence it issued. Such a weapon of oppression in the hands of the inferior officers of the customs, might well alarm even innocence and confound the violators of the law. The merchants of Boston and Salem united in opposing the petition, and employed James Otis as their counsel. To give a sketch of his argument on that occasion is the object of many of the letters subjoined to *Novanglus*, and he is stated in them to have declared that no distinction between external and internal taxes existed in theory or could be maintained on any other principle but necessity; and to have "roundly asserted the whole system of the parliamentary regulations of trade, which the writ of assistance was designed to enforce, to be illegal, unconstitutional, tyrannical, null and void." In consequence of this argument, we are told his popularity was without bounds; and at the next election he was for the first time chosen a member of the House of Representatives by an almost unanimous vote. Some idea of the state of public sentiment at that period may be derived from the following remarkable language of the governor, in his speech at the commencement of the session.

'Let me recommend to you to give no attention to declamations tending to promote a suspicion of the civil rights of the people being in danger. Such harangues might suit well in the times of Charles and James, but in the times of the Georges they are groundless and unjust. Since the accession of the first George, there has been no instance of the legal privileges of any corporate body being attacked by any of the king's ministers or servants—without public censure ensuing. His present majesty has given uncommon assurances how much he has at heart the preservation of the liberty, rights and privileges of all his subjects. Can it be sup-

posed that he can forfeit his word ; or that he will suffer it to be forfeited by the acts of any servant of his with impunity ? An insinuation so unreasonable and injurious I am sure will never be well received among you.'

In the course of the next year, the governor informed the House of Representatives, that, during the recess of the legislature, he had appropriated a small sum towards fitting out the sloop Massachusetts to protect the fishery. The committee appointed to prepare an answer, reported to the house a message, 'every word of which,' says Mr. Adams, 'is Otis,' in which, after desiring his excellency to restore the sloop to her former condition, they add : 'Justice to ourselves and to our constituents obliges us to remonstrate against the method of making or increasing establishments by the governor and council. It is in effect taking from the house their most darling privilege, the right of originating all taxes. It is in short annihilating one branch of the legislature. And when once the representatives of a people give up this privilege, the government will very soon become arbitrary. No necessity therefore can be sufficient to justify a House of Representatives in giving up such a privilege ; *for it would be of little consequence to the people whether they were subject to George or Lewis, the king of Great Britain or the French king, if both were arbitrary, as both would be, if both could levy taxes without parliament.*'

'Treason, treason'—cried one of the members, when these words were read, but the report was accepted, and the message sent unaltered to the governor. The same day he returned it, accompanied by a letter, requesting that a part of it might be expunged, as disrespectful to the king. It was then proposed to insert an amendment in the message expressive of loyalty, but a certain member crying 'rase them, rase them,' the obnoxious words, which had been underlined by the governor, were erased ; 'it being obvious that the remonstrance would be the same in effect with or without them.' The governor sent a vindication of his conduct to the house, and prorogued the assembly before there was time to answer it. Mr. Otis soon afterwards published a vindication of the conduct of the house, in which he contended that no money can be levied or appropriated within the province without the consent of the people or their deputies ; and ascribed to the House of Representatives here, the same author-

ity in this respect, as belonged to the House of Commons in Great Britain. This dispute forms indeed no part of the contest between the Colonies and Parliament with regard to the authority of the latter, but it serves to display the opinions and feelings of the people at that time, and to shew how strongly they were attached to their rights,—particularly to ‘their most darling privilege, that of originating all taxes,’ the infringement of which was subsequently the cause of the revolution ;—how jealous they were to guard, how resolute to maintain it.

In the mean time, the laws of trade were enforced with increasing strictness, so as to embarrass American commerce very greatly, particularly that of the northern colonies, the whole of whose foreign trade seemed about to be ruined ; an event, which would leave them no means of making remittances to England for the purchase of manufactures,—rendered so necessary by the severity of their climate,—but direct exportations to that country ; to which they had nothing to send, after the subjection of Canada had made that province the seat of the fur trade, but the growth of their forests and the produce of their whale fishery. The apprehension of this evil induced them to urge their agents and correspondents in Great Britain to make every effort to procure a repeal of the most obnoxious statutes, particularly of the sugar and molasses act ; or at least to prevent its continuance beyond the end of the session of parliament in 1764, when it would expire by its own limitation. Their strenuous opposition to this oppressive statute will account for the ridicule so long cast on the inhabitants of New England for their pretended love of molasses.

Yet, during all this time, notwithstanding the language of Mr. Otis, in his argument on writs of assistance, the constitutionality of this and the other laws of trade does not appear to have been denied here with a voice loud and general enough to excite attention in Great Britain, or even in the southern colonies ; nor do we know that the authority of parliament to enact them was then openly contested by any deliberative body. If persisted in and enforced, they were indeed a just cause, and would eventually have become a sufficient motive for revolution. But the colonies were not ready to throw off by force, restraints which they had been accustomed to wear from their infancy, and which had hitherto sitted

loosely upon them. They now began to find them galling ; and perhaps the time, when they would have grown up to such a size as to feel themselves cramped and shackled by them beyond endurance, was not far distant ; but if near, it was not impending, certainly not come. The ministry did not choose to wait for it. In the autumn of 1763, they made no secret of their intention to raise a revenue in America, and in December, orders were published here for the vigilant and unsparing enforcement of the most odious of these laws. A letter from Governor Bernard, on the seventh of January following, begins with these words. ‘The publication of orders for the strict execution of the molasses act, has caused a greater alarm in this country than the taking of Fort William Henry did in 1757. Petitions from the trading towns have been presented to the General Court, and a large committee of both houses is sitting every day to prepare instructions for their agent.’ Those instructions, which were soon afterwards sent to England, contain the following remarks. ‘This act was originally obtained and has been continued by the great influence of the sugar colonies in parliament, without any prospect of revenue or rational advantage resulting from it. The case however is now altered. The ministry have adopted this act and seem disposed to raise a revenue from it ; for, in pursuance of orders from the lords of the treasury, the officers of the customs here have lately given public notice that said act in all its parts will be carried fully into execution ; the consequences of which will be ruinous to the trade of this province, hurtful to all the colonies, and greatly prejudicial to the mother country. It has been suggested that the original design of the act laying a duty on sugar, molasses, &c. has been altered, and that it is intended not as a prohibition or restraint on these articles, but to raise a revenue ; and that other measures for that purpose have been proposed—we cannot therefore help expressing our concern on this occasion. We are empowered by our charter (and his majesty’s other colonies are empowered by the commissions under which they are governed) to raise monies for the support of our government. If duties or taxes are to be laid upon us in any one instance, what assurance have we that they will not be so multiplied as to render this privilege of no importance to us ? The growth of the colonies depends upon the enjoyment of their liberties and privileges.’

On the 10th of March, 1764 the House of Commons passed eighteen resolutions for imposing taxes and duties on the colonies. The execution of that, which declared that it might be proper to impose certain stamp duties on them, was deferred to the next session; but the others were immediately enforced by ‘an act for granting certain duties in America;’ which, after stating that it was just and expedient to raise a revenue there, imposed duties on silks and coloured calicoes from Persia, India or China, and on sugar, wines, coffee and pimento; and made the sugar and molasses act perpetual, reducing the duty on molasses from sixpence to threepence per gallon; and all this for the express and sole purpose of raising a revenue. The same act increased the number of enumerated commodities, laid new and harsh restrictions on commerce, reenacted in terms many of the obsolete laws of trade, and provided that all penalties and forfeitures, accruing under any of them, might be sued for in any court of record or of Admiralty, or in that of Vice Admiralty to be established over all America, at the election of the informer.

The knowledge of these proceedings filled America with clamour. In Massachusetts, the constitutionality of the whole system of revenue,—of which this act imposing duties, no less than the proposed stamp act, was considered a part,—was explicitly denied. The instructions of the inhabitants of Boston to their representatives direct them to apply for a repeal of this act, if already passed, and exclaim against the distinction between internal and external taxes: ‘If our trade may be taxed, why not our lands? Why not the produce of our lands, and every thing we possess or make use of? This, we apprehend, annihilates our charter right to govern and tax ourselves. It strikes at our British privileges, which, as we have never forfeited them, we hold in common with our fellow-subjects, who are natives of Britain. If taxes are laid upon us in any shape, without our having a legal representation where they are laid, are we not reduced from the character of free subjects to the miserable state of tributary slaves?’

Such was the language of these instructions, which are said to have been written by Samuel Adams; but they spoke the sentiments of the whole town—of the whole province.

On the 15th day of June, after it was known that the

new revenue act had received the royal assent, the House of Representatives of Massachusetts Bay ordered a treatise on the rights of the British colonies in general, and of this province in particular, by one of their members, (James Otis,) to be sent to their agent in London, Mr. Mauduit, accompanied by instructions, from which the following passages are extracted.

‘Sir, the House of Representatives have received your several letters. The contents are to the last degree alarming. In that of the 30th of December, you seem to wonder at the silence of this house. Volumes have been transmitted from this province in relation to the sugar act to little purpose. If a West-Indian or any other bye influence is to govern and supersede our most essential rights as British subjects, what will it avail us to make remonstrances, or the most demonstrable representations of our rights and privileges?—The silence of the province should have been imputed to any cause, even to despair, rather than be construed into a tacit cession of their rights, or an acknowledgement of a right in the parliament of Great Britain to impose duties and taxes upon a people, who are not represented in the House of Commons.’—‘And granting the time may come, which we hope is far off, when the British parliament shall think fit to oblige the North-Americans, not only to maintain civil government among themselves, (for this they have already done) but to support an army to protect them; can it be possible that the duties to be imposed and the taxes to be levied shall be assessed without the voice or consent of one American in parliament? If all the colonists are to be taxed at pleasure, without any representative in parliament, what will there be to distinguish them in point of liberty from the subjects of the most absolute prince? If we are to be taxed at pleasure without our consent, will it be any consolation to us, that we are assessed by an hundred instead of one? If we are not represented, we are slaves.’ ‘You are to remonstrate against these measures, and if possible, to obtain a repeal of the sugar act, and prevent the imposition of any further duties or taxes on these colonies; measures will be taken that you may be joined by all the other agents.’ ‘It may be said, that if the parliament have a right to lay prohibitions, they can certainly lay duties, which is a less burden.’ ‘The power of laying prohibitions on the dominions not represented in

parliament, should be exercised with great moderation. But this had better be exercised with the utmost rigour than the power of taxing ; for this last is the grand barrier of British liberty ; which, if once broken down, all is lost. In a word, a people may be free and tolerably happy without a particular branch of trade ; but without the privilege of assessing their own taxes, they can be neither.'

James Otis was one of the committee for preparing these instructions, and almost every sentence seems to us to bear the traces of his pen. Immediately on their receiving the sanction of the house, a committee was appointed 'to acquaint the other governments with the instructions sent to the agent of this province, directing him to use his endeavours to obtain a repeal of the sugar act, and to exert himself to prevent a stamp act or any other impositions and taxes upon this and the other American provinces, and in the name and behalf of the house to desire the several assemblies on this continent to join with them in the same measures.' This was the first attempt to unite the colonies in opposition to the authority of parliament. The importance of the step may be more justly estimated, by referring to the manner in which the British government regarded its repetition by the same province, in February 1768, for the purpose of resisting the revenue act of the year preceding. On that occasion, it was resolved by the House of Lords, 'that the resolution of the Representatives of Massachusetts Bay to write letters to the other colonies, desiring them to join in petitions which deny or draw in question the right of parliament to impose duties or taxes on his majesty's subjects in America, and the writing such letters, in which certain acts of parliament imposing duties and taxes are stated to be infringements of their rights, are proceedings of a most unwarrantable and dangerous nature, calculated to inflame the minds of his majesty's subjects in the other colonies, tending to create unlawful combinations, repugnant to the laws of Great Britain and subversive of the constitution ;'—and the Assembly of Massachusetts was required at its next session to rescind the circular letter, under penalty of dissolution in case of refusal,—and it was dissolved accordingly.

On the twenty third day of July 1764, 'the Rights of the British colonies asserted and proved, by James Otis,' was published. After some remarks on the origin of government,

and on the rights of colonies in general, the author proceeds to consider the political and civil rights of the British colonists. He lays it down as a fundamental principle, that all of them are subject to and dependent on Great Britain, and that therefore the parliament has a lawful authority to make acts for the general good, which, by naming them, shall be equally binding on them as on subjects within the realm; but then goes on to assert, that parliament has no authority, either within or without the realm, to impose taxes on any British subjects without their consent; admitting its right to legislate for the colonies in all cases, he denies its right to tax in any. Whatever may now be thought of this distinction, it is the same maintained by Lord Chatham in his celebrated speech on the repeal of the stamp act.

‘I can see no reason to doubt,’ says Mr. Otis, ‘but that the imposition of taxes, whether on trade or on land, or houses, or ships, on real or personal, fixed or floating property in the colonies, is absolutely irreconcilable with the rights of the colonists, as British subjects and as men. I have waited years in hopes to see some one friend of the colonies pleading in public for them. I have waited in vain. One privilege is taken away after another; and where we shall be landed God knows, and I trust will protect and provide for us even should we be driven and persecuted into a more western wilderness on the score of liberty, civil and religious, as many of our ancestors were to these once inhospitable shores of America.—There has been a most profound, and, I think, shameful silence, till it seems almost too late to assert our indisputable rights as men and as citizens. What must posterity think of us? The trade of the whole continent taxed by parliament; stamps and other internal duties and taxes, as they are called, talked of; and not one petition to the king and parliament for relief. I cannot but observe here, that if parliament have an equitable right to tax our trade, it is indisputable that they have as good an one to tax the lands and every thing else. There is no foundation for the distinction some make in England between an internal and external tax on the colonies.’

Yet he does not openly recommend resistance to the laws, but inculcates the utmost submission to the parliament; ‘it is possible they may have been misinformed and deceived; their power is uncontrollable but by themselves, and we must

obey. There would be an end of all government, if one or more subjects or provinces should take upon them so far to judge of the justice of an act of parliament as to refuse obedience to it. Therefore let parliament lay what burdens they please on us, it is our duty to submit and patiently bear them till they will be pleased to relieve us. It is to be presumed their justice will afford relief by repealing such acts, as through mistake or other human infirmities have been suffered to pass, if they can be convinced that their proceedings are not constitutional or not for the common good.' 'We all think ourselves happy under Great Britain. We love, esteem and reverence our mother country and adore our king. And could the choice of independency be offered the colonies, or subjection to Great Britain upon any terms above absolute slavery, I am convinced they would accept the latter. The ministry in all future generations may rely on it, that British America will never prove undutiful till driven to it as the last fatal resort against ministerial oppression, which will make the wisest mad and the weakest strong.'

The right of Great Britain to monopolize the trade of the colonies, and for this purpose to prohibit any particular traffic, is not contested. 'But though it be allowed, that liberty may be enjoyed in a comfortable measure where *prohibitions* are laid on the trade of a kingdom or province, yet if *taxes* are laid on either without consent, they cannot be said to be free. . This barrier of liberty being once broken down, all is lost.'—'The common law, that inestimable privilege of a trial by jury, is also taken away in all trials in the colonies relating to the revenue, if the informer have a mind to go to the Admiralty.'

He recommends that the colonies should be represented in parliament, in order to make that body better acquainted with the interests of America ; but should retain their subordinate legislatures and be taxed by them ; because 'it would be impossible for the parliament to judge so well of their abilities to bear taxes, impositions on trade, and other duties and burdens, or of the local laws that might be really needful, as a legislature here.'

All the distinctions advanced in this pamphlet could not well be supported ; but we believe it to contain the sentiments prevalent here at the time when it was written ; for the language of the people is sometimes inconsistent, as well as that of the learned.

In the same year was published at Boston, an anonymous pamphlet written by Oxenbridge Thatcher, entitled 'The Sentiments of a British American.'

'The writer intends to consider the late act, made in the fourth year of his present majesty, entitled, An Act for granting certain duties in the British colonies and plantations in America, &c. to show the real subjects of grievance therein to the colonists; and that the interest of Great Britain itself may finally be greatly affected thereby.' 'The first objection is, that a tax is thereby laid on several commodities to be raised and levied in the plantations and to be remitted home to England. This is esteemed a grievance, inasmuch as the same are laid, without the consent of the representatives of the colonies. It is esteemed an essential British right, that no person shall be subject to any tax; but what in person or by his representative he hath a voice in laying.' 'But to say the truth, it is not only by the taxation, that the colonists deem themselves aggrieved. The power therein given to courts of Admiralty alarms them greatly. The common law is the birth right of every subject, and trial by jury a most darling privilege.—Now, by the act we are considering, the colonists are deprived of these privileges.'

Before the end of the year 1764, 'The rights of the colonies examined' was published by the Assembly of Rhode Island; and 'Reasons why the British colonies in America should not be charged with internal taxes by authority of parliament, humbly offered for consideration,' by that of Connecticut. In these pamphlets, they protested against the imposition of stamp duties or any other internal taxes on the colonies. The Assembly of New York also, in its petitions in October, made a similar protest in the boldest language, and even went so far as to deny the distinction between internal taxes and duties on importation. None of them, however, asserted with the energy of Massachusetts, that the act already passed was a direct infringement of their rights, but simply protested against it as an intolerable burden. The southern colonies, who hardly felt or perhaps understood the operation of that statute, leaned to the distinction between internal and external taxation, and confined their opposition almost exclusively to the proposed stamp act.

At the ensuing session of the legislature of Massachusetts in October, the House of Representatives prepared a petition

to the king, asserting their rights. But the council under the influence of Mr. Hutchinson, refused their assent to it; and after much discussion, both united in a petition to the House of Commons, in which they remonstrated against the continuance of the late revenue act and the imposition of any further duties or taxes, solely on the ground that such measures were unprecedented and unequitable, without uttering a word in derogation of the authority assumed by parliament. To induce the house to concur in this petition, it may have been urged with much plausibility that the proceedings published in their journal of the previous session and officially communicated to the other colonies, were a sufficient protest against this authority, to prevent any idea that they acquiesced in its exercise; that to agitate the question of right, in a direct appeal to the government, would diminish the prospect of success; that their bold language, denying the constitutionality of the act imposing duties, had not been repeated by the other colonies; that it was less important to contend about the legality of the power claimed by parliament, than to prevent its exercise; and that unanimity would be more efficient for this purpose than violence. But that they did not intend to admit the authority exercised over them, is apparent from the letter to their agent, in which this petition was enclosed. ‘We have endeavoured to avoid giving offence, and have touched upon our rights in such a manner, as that no inference can be drawn that we have given them up on the one hand, nor that we set up in opposition to the parliament, nor deny that we are bound by acts of parliament on the other. But in a letter to you, we may be more explicit on this point—a right the people of the colonies have undoubtedly by charter and commissions to tax themselves. So far as the parliament shall lay taxes on the colonies, so far they will deprive them of this right.’

Their constituents were greatly displeased and mortified by the language of the petition; but in this day of tranquillity we can look back upon their motives, at least without a blush. Their proceedings at the previous session, together with their petition and those from New York, were laid before the privy council in England on the eleventh of December, and by them referred, as matters too high for their decision, to the consideration of parliament. They were not however

submitted to that body and at its next session the stamp act passed.

Have all these things nothing to do with the history of the revolution? Do they 'speak peace of the heart and of the mind?' Yet they all occurred before the resolutions of Virginia.

After the passage of the stamp act, the House of Burgesses of that province was, it is true, the first deliberative assembly to repeat the assertion, that parliament had no authority to impose taxes in America; and did it on motion of Mr. Henry in bold and uncompromising language, unqualified by arguments of expedience, unsoftened by professions of loyalty. But within a few days, and before those resolutions were heard of in Massachusetts, the House of Representatives here,—who had a year before explicitly declared the whole system of revenue, together with the act already passed and the proposed stamp act, as parts of it, to be violations of their liberty and invited all America to unite in resisting them,—were ready to take the second step in the path to independence; and unanimously voted to propose to the legislatures of the other colonies a meeting of delegates from them all, at New York in the following October, to consult on their situation, and prepare a general address to the king and parliament. This was the first general congress assembled in opposition to the government, and was deemed in England dangerous to the authority of the crown, especially when considered in connexion with the spirit of the particular assembly by which it was proposed.

The idea, however, that either of these measures was the beginning of the revolution, is not only inconsistent with the facts previously stated, but would render several subsequent events utterly inexplicable. When parliament at the next session, desirous of satisfying the colonists without relinquishing its own pretensions, determined to pass an act declaratory of its right to bind them in all cases, and at the same time to repeal the laws of which they complained as infringements of their liberties; not only the stamp act, but most of the duties imposed by the act of 1764 were repealed. These proceedings were probably intended as a pledge, that, notwithstanding the claim of parliamentary authority, no duties either internal or external, excepting such as were mere regulations of trade, should be imposed on them in

practice. At least the colonists so understood them and were therefore satisfied. The enforcement of the mutiny act in New York, and the attempt to enforce it in Massachusetts, fanned for a moment the dying embers of dissension, but it was the revenue act of 1767 which kindled them to a flame. This measure, and those employed to carry it into execution, were the immediate subjects of contest between the two countries. It affected the interests of all America ; but the inhabitants of Massachusetts were confessedly the most forward, unhesitating and strenuous in opposing it. Non-importation agreements, the only means employed by our deliberative bodies to prevent its operation, were repeatedly entered into here, months before the other colonies would consent to adopt them. What province was it, at which the parliament hurled all its thunders, which was exposed to the greatest suffering, reproached as the most rebellious, punished as the most guilty, its capital blockaded and garrisoned, its charter abrogated, its government dissolved, its courts of justice closed, its inhabitants subjected to martial law and to the arbitrary will of the ministry ? Was it not Massachusetts ? And why ? Surely the cause of all this is not to be sought, as is fancifully suggested, in the character of Governor Bernard. It may be much better learned from the report, exaggerated as it is, of the committee of the House of Lords in 1774, intended to vindicate the conduct of parliament towards this province, and from the answer to it written and published by Dr. Franklin.

It has never been satisfactorily explained, says Mr. Wirt, why the military preparations for enforcing the revenue act of 1767, were principally confined to Massachusetts. This supposed mystery is one of the consequences of the error into which he has fallen, and against which we are contending. The desired explanation can be found only at an earlier period of the revolution than that, which he considers its commencement. While the rest of America, with reference to the proposed stamp duty, had denied the authority of parliament to impose that or any other internal tax on them, Massachusetts alone had protested in the same decisive language against the constitutionality of the revenue act of 1764, and had abjured more earnestly than any other colony, the distinction between taxes and duties on goods imported, as instruments of revenue. In this province therefore the most

strenuous opposition to the act of 1767, which was an act imposing duties on importation, was to be expected, and for this reason, it was here that military preparations were made to deter or suppress it. The act struck equally at all the colonies; but in this it opened an old wound, which had long been rankling. The minds of the people were already made up to resist the whole system of taxation, external as well as internal; they had spoken three years before the sentiments and the language, which rung through all America soon after. Let us not be understood to intimate that Massachusetts was more attached to liberty than the other colonies, or more determined to maintain the principle, that no taxes can be imposed on a free people without their consent. We make no such pretensions. But she was the first to perceive and assert the act of 1764 to be a direct violation of that principle, for the simple reason perhaps that she was most affected by it. It is very natural that those should look most speedily and narrowly to their rights, whose interests are touched most nearly; and that those should be first to detect the wrong, who are the first to feel it.

But Mr. Wirt appeals to authority, high authority we admit, for the assertion that Patrick Henry 'gave the first impulse to the ball of the revolution.' Let Mr. Jefferson however explain his own words. 'I well recollect to have used some such expression in a letter to him; and am tolerably certain that our own state being the subject under contemplation, I must have used it with reference to that only.'* The remark, thus restricted to Virginia, is certainly no denial that the revolution began earlier elsewhere. Mr. Adams, an authority not inferior, is explicit on the subject.

The Lords of Trade in England, in a representation to the king on the first of October 1765, after stating that the House of Representatives of Massachusetts had in the preceding year printed and published a letter to their agent, in which the acts and resolutions of the Parliament of Great Britain were treated with the most indecent disrespect, and principles tending to a denial of the right of parliament to levy taxes upon his majesty's subjects in the colonies were openly avowed, and that the former Board of Trade had thought it their duty to transmit the transaction to his majes-

* See his letter of March 3, 1818, to Dr. Waterhouse, printed in the Boston Patriot, Dec. 10, 1818.

ty's consideration, that such directions might be given as the nature and importance of the matter required ;—proceed to complain, that the same spirit still continues, and to recite the resolutions of Massachusetts in 1765, recommending a general congress,—‘ the first instance,’ they add, ‘ of a general congress appointed without the authority of the crown ; a measure, as they conceive, of dangerous tendency in itself, and more especially so, when taken for the purposes expressed in their resolution, and connected with the spirit that has appeared throughout the whole conduct of this particular assembly.’

‘ The report of the Lords Committee, appointed in 1774, by the House of Lords, to inquire into the several proceedings in the colony of Massachusetts Bay in opposition to the sovereignty of his majesty in his parliament over that province,’ states that ‘ the committee, having perused the report of the board of trade of the eleventh day of December 1764, and the papers laid before his majesty therewith ; find in the said papers the strongest assertions, by the assembly of the Massachusetts Bay, of their sole right to pass laws, particularly of taxation, and of their resolution to invite the other colonies to combine with them in measures to prevent the king in his parliament from passing any such laws.’ As instances—are cited, a passage from their letter to M. Mauduit, and one from Otis’ ‘ rights of the colonies,’ the doctrines of which are, as the committee complain, avowed and authenticated in the same letter.

In answer to this report, Dr. Franklin, then in England, published ‘ a true state of the proceedings in the parliament of Great Britain and in the province of Massachusetts Bay, relative to the giving and granting the money of the people of that province and of all America, in the House of Commons, in which they are not represented ;’—in which we find this passage : ‘ On the 10 of March, 1764, the House of Commons resolved, “ that it may be proper to charge certain stamp duties in the colonies and plantations,” but did not at that time form any bill for the purpose. On the fifth of April, 1764, an act passed for imposing certain duties in America by the British parliament, for the purpose of raising a revenue. In consequence of these proceedings, the House of Representatives of the Massachusetts Bay came to resolutions, “ That the sole right of giving and granting the money

of the people of that province was vested in them as their legal representatives, and that the imposition of duties and taxes by the parliament of Great Britain upon a people, who are not represented in the House of Commons, is absolutely irreconcilable with their rights." The author afterwards states, that on the arrival of the stamp act in America in the following year, every assembly on the continent came to resolutions against the right of imposing taxes upon them unrepresented and without their consent; and that the House of Representatives of the Massachusetts Bay, observing the little attention paid to separate petitions, resolved to propose a general congress. The object of Dr. Franklin in this pamphlet was not to exaggerate the opposition of Massachusetts, but to represent it in the mildest light. 'If they have been particularly unquiet,' says he, 'they have also been particularly irritated and injured.'

In opposition to these indisputable facts and contemporary documents, which no authority can impeach or question, we find in the life of Patrick Henry, a statement, that the staunchest friends of the revolution in Virginia opposed Mr. Henry's measures as too rash, and that Dr. Franklin at that time thought resistance premature, circumstances, which however true, have no relation to the proceedings of Massachusetts,—a casual remark of Mr. Jefferson, which, as it now appears, was misunderstood,—certain extracts from the *Pennsylvania Gazette*, which, to our apprehension, prove nothing but the weakness of the cause they are cited to support,—and finally the opinion of Mrs. Mercy Warren, 'that the House of Burgesses of Virginia was the first to resolve against the encroachments of power and the unwarrantable designs of the British parliament,' an opinion deemed conclusive by the biographer, for the technical and sagacious reason that this lady was an inhabitant of Massachusetts, and so we suppose is to be considered a party to the cause. Notwithstanding this high authority and pertinent argument, we must be permitted to think the proceedings of Massachusetts, in June, 1764, an open resistance to the encroachments of the British parliament. Indeed we are inclined to consider them the beginning of the controversy between the two countries. We are aware that they were not the first symptoms of uneasiness. The attempt to enforce the acts of trade excited great discontent in the northern colonies. It was regarded by them

as impolitic and burdensome, and if no new schemes of oppression had been devised, might in time have been the cause of separation. This sowed the first seeds of dissension, and on that account may with some propriety be deemed, the beginning of the revolution.

But the right of Great Britain to restrain the colonial trade was not then generally denied, and until war commenced, the Americans professed their willingness to acquiesce in the continuance of the practice. The question actually in controversy was, whether a revenue should be raised in the colonies by authority of parliament. At what time the project was adopted by the ministry cannot well be determined; it was first publicly and distinctly avowed in the autumn of 1763. The legislature of Massachusetts, understanding the directions then given to enforce the sugar and molasses act to be designed for raising a revenue, expressed, as we have seen, their doubts of the right of government to enforce it for this purpose, though they did not contest its legality as a mere restraint on trade. The ministerial project was sanctioned in the House of Commons by the resolutions of the tenth of March, and carried into execution by the revenue act of the fifth of April 1764, which was not only a direct assertion, but an actual exercise by the whole parliament of their pretended authority. The proceedings of the House of Representatives of Massachusetts Bay, in June following, were a direct denial of that authority, and an attempt to unite the colonies in preventing its operation. Here then the parties were at issue. To enforce this claim the parliament resorted to all those arbitrary measures, which drove America to arms, and at last to independence.

Such are our reasons for considering these measures the beginning of the contest. But we attach no great importance to this opinion. It is of little consequence what degree of opposition be deemed the first revolutionary step, provided the idea attached to the term be distinctly stated, and the time and manner, in which successive measures of resistance followed each other, be properly understood. Will it be said that the establishment of the principle that a free people cannot be taxed without their own consent, was the beginning of the revolution? This is older than America:—that it was the application of that principle to the relative situation of the parliament and the colonies? Years, generations before

the stamp act, Massachusetts and Virginia both denied the obligation of the navigation act, because they were not represented in parliament :—is our attention to be confined to a period subsequent to the French war, and are we asked, who first complained of the attempt to raise a revenue in America? Undoubtedly those who first felt the burden. Who first denied the constitutionality of an act of parliament passed for this purpose? Those who first perceived its object. Who first determined to resist the system of taxation by force? Those who were first convinced that all other means would be ineffectual. Whatever measure be selected as the beginning of the revolution, it is no easy thing to ascertain by what individual it was first conceived or suggested. We do not profess to say of any one, this was the man,—but think, with Mr. Jefferson, the discussion of such pretensions to be as futile and unimportant as enquiring, ‘who was first among the three hundred Spartans to offer his name to Leonidas.’

But it is not unimportant that the progress of discontent and the development of public opinion should be carefully traced, that the principles and arguments then prevalent should be understood and perpetuated; and that the establishment of our independence should not be deemed the work of any one master spirit, who could wield the community at will;—but that that we should feel it to be founded on the character and condition of the people, and to depend on them for its continuance. In Virginia, Mr. Henry was ardent and decisive in declaring the right of the colonists to exemption from all parliamentary taxes; but the House of Burgesses had advanced the same doctrine at their preceding session, and we cannot think that assertion less sincere or less likely to be maintained, because it was expressed in the language of expostulation, or believe that its authors needed any warning to prevent their surrendering their rights tamely. Mr. Otis was not less explicit and determined in proclaiming the same principle in Massachusetts; yet when he was suspected, for a moment, (it is not to our present purpose to inquire how justly) of wavering in his opposition, his influence sunk, and his name was loaded with reproaches. We are therefore persuaded that the preservation of American liberty was not suspended on the exertions of either of them; and that the declaration of Independence would not have been made a day later, though James Otis and Patrick Henry had died in the cradle.

We are by no means insensible to their merits. Both devoted their great talents unreservedly to the public service. But they differed from their countrymen in abilities and eloquence to display their rights, rather than in sense to appreciate, or spirit to defend them. Had it not been for these men, the complaints of America would have been uttered in different language, and perhaps at other moments, and certain public measures suggested by them might not have been adopted ;—but we must be careful not to deem any particular mode of expressing opposition essential to its existence, nor to imagine it necessary that the proceedings of the colonial assemblies should have followed each other in one definite and invariable connexion in order to their success ; as if the series of political measures were a chain, on the strength of every link of which the fate of our country depended. If this were so, the acquisition of independence should be regarded as little more than a happy accident. Yet we are aware of the importance of studying closely the whole history of the revolution. To those whose simple and natural feelings need no hyperbole to excite them, and who are willing to estimate moderately and justly the importance of single events, nothing can be more engaging or more useful than a minute attention to the measures actually employed, and to the characters, conduct and language of the eminent individuals who suggested or applied them.

All such must be gratified that the letters of Mr. Adams invite the public attention to James Otis. It is time that the life of that man were written. His talents, exertions, and services were as remarkable as his fate, and will be remembered as long as his country continues worthy of the liberty which he laboured to vindicate. His character and situation were so different from those of Mr. Henry, that we cannot estimate very accurately their comparative merits. Admitting them, however, to have been, as we are told they were, the chief promoters of the particular measures of resistance adopted in the colonies to which they respectively belonged, and comparing their general conduct and what remains of their productions, we may form some idea of their characteristic distinctions in public life. Henry, not fond of toil, needed some strong excitement to call him forth ; but sudden in conception, rapid in execution, rushed impetuously to his object, without ever looking behind him, and that attained,

paused for another great occasion. Otis, no less ardent, but indefatigably active, and surrounded by inexhaustible and subtle opponents, whose secret influence was more to be dreaded than their open hostility, was never contented with victory, but laboured to secure every step of his progress. It was not enough with him to reach his aim, unless he could carry the whole people along with him;—he would not tolerate the voice, or even the existence of dissent. Hence his numerous publications, his unwearied efforts in private, the maturity of his schemes, the unanimity with which they were generally adopted, and now and then a little hesitation and inconsistency when he doubted whether some bold proposition would obtain general and effectual support. Both founded their opposition to England on principle; but the former accompanied his arguments by irresistible appeals to the feelings of the moment; while the latter was constantly addressing motives more durable and general, and directing the attention of his fellow citizens to established usage, to cherished prejudices and to their interests. One delighted to animate, the other strove principally to confirm and organize resistance. Henry is said to have been prophetic in his anticipations, but the measures supported by Otis were most systematic and prospective. We ought not, however, to consider them rivals, or to think the praises bestowed on one of them a disparagement of the other;—the gratitude of their country has room enough for both, and for their associates in the same cause. All were united in their efforts; neither personal jealousies, nor even the intrigues of their enemies could separate them while living, and now they are in their graves, their names should not be set at variance by their friends.

A still more important object recommended in these letters is the history of our commerce, without a knowledge of which it is impossible to appreciate justly the advantages obtained by the revolution. They are sometimes greatly misrepresented. Our independence has been spoken of as an emancipation from slavery; whereas the colonists always regulated their internal concerns, and claimed and exercised from the beginning, the most essential rights of freemen. On the other hand, it has been occasionally regarded as a mere security against encroachments, as if America were now in no better situation than it was before those encroach-

ments were attempted. It is true, that it was the project of raising a revenue in the colonies, which united them in opposition to Great Britain ; security against parliamentary encroachments was indeed the object of their resistance ; it was all for which they contended, but it was by no means all that they gained. By the revolution they were not only protected from the imposition of taxes without their consent, but freed from that abominable system of colonial monopoly which is the disgrace of modern Europe ; and to whose continuance they were willing to submit for some time longer rather than resort to civil war. Incalculable advantages have been derived from the emancipation of our commerce, not only by our own country, but by the whole of civilized Europe, and by England herself, even by the very classes of her citizens, whose short-sighted and selfish clamours occasioned the establishment of a system, the subversion of which has ultimately been so beneficial to them. These facts may serve to illustrate an important political lesson, to which we are too often prevented from listening by the din of private interest ;—that monopolizing restrictions, though they may enrich individuals, are short-lived, lean and barren expedients for public prosperity, consuming the real wealth of a nation, without adding any thing durable to its ornament or its strength.

We have dwelt thus long on these letters, because they are the only part of the book under consideration, which is of recent date, and because the period to which they relate, the time immediately preceding the stamp act, is in our opinion highly important and has been peculiarly neglected. The essays of *Novanglus* and *Massachusettensis* are valuable documents in the history of the revolution. The adherents of the ministry had watched with great solicitude the conduct of the continental congress of 1774, not without hope of deriving some advantage from its proceedings whatever should be their character ;—rashness might alarm or hesitation discourage some among the people. These hopes were disappointed. The congress, anxious above all things to unite the colonists, displayed a fixed resolution to maintain their rights, and at the same time an unwillingness to hasten hostilities, and alluded to the necessity of preparing for other measures in terms, which the forward might regard as a preparation for immediate war, and the cautious or hesitating

as a threat designed to intimidate their enemies. The general tendency of their proceedings, however, could not be mistaken, and the ministerial papers were crowded with efforts to counteract it. With this view, Jonathan Sewall, Attorney General of Massachusetts Bay, a man of talents to be conspicuous in either party, published a series of essays signed *Massachusettensis*, and addressed to the inhabitants of this province, in which he gives in substance the following account of the progress of discontent, from the close of the preceding war.

Great Britain finding herself then loaded with debt, while the acquisition of new territories increased her annual expenditure, and thinking it just that America, who shared the national prosperity, should bear a part of the national burdens, passed an act for raising a revenue here by the imposition of certain stamp duties. The amount of these was supposed by the Americans to be more than their proportion, and the payment of them beyond their ability. They therefore remonstrated against their continuance, but at first without the slightest idea of disputing the authority of parliament to impose them. Some months afterwards, the resolutions of Virginia, denying the right of parliament to levy internal taxes in the colonies, were published, and as they flattered the love of independence natural to all men, were soon repeated throughout the continent. The newspapers were filled with incitements to resistance, non-importation agreements were adopted, the merchants and manufacturers of England were alarmed, and other circumstances occurring to strengthen opposition there, a change of the ministry took place, and the stamp act was repealed.

When the act passed for imposing duties on glass, paper, teas &c. it was declared to be another instance of taxation, because duties were laid on necessities of life. The former doctrine, that parliament might impose duties on trade, but not internal taxes, was now abandoned, and it was discovered that no duties could be levied for the purpose of raising a revenue. Accordingly, pamphlets, associations, resolves,—the whole system of American opposition was again put in motion, and a repeal of all the duties excepting that on tea was obtained. This was the proper moment for closing the contest. But the whigs, unwilling to relinquish their authority over the people, persuaded them that this tax was only

preparatory to others the most odious and oppressive, and to a division of the country into lordships ; the clergy engaged in the controversy, the agent in London (Dr. Franklin) was constantly recommending new plans of opposition, and the public were kept in continual agitation. In the House of Representatives, the same zealous whigs were always put on the committees to prepare spirited resolves, and the votes were inserted by yeas and nays in the journals, in order that every one, who opposed the measures of resistance to government, might be known and be deprived of his seat at the next election. Those members of the council, who opposed the violent proceedings of the house, were not again chosen by that body, and since the governor could do nothing without the concurrence of the council, the whole administration was paralyzed. The judges indeed remained uncorrupted and unawed, but the juries by some management were principally whigs, and would neither indict nor convict those accused of libels, riots and insurrections. At length, our patriots determined to take the last step for becoming independent states, and flatly denied that parliament had a right to make any laws whatever, binding on the colonies. He then gives a relation of the circumstances accompanying the destruction of the tea in Boston, and undertakes to prove it unjustifiable on the principles of the whigs themselves ; because the duties on it would have been advanced by the agents of the East India Company and never paid by the people, unless they chose to purchase it. The committees of correspondence, invented, as he intimates, by Samuel Adams, are condemned as most formidable engines of opposition to government, exercising an undefined and unlimited authority, and deeming themselves amenable to none for the abuse of their assumed power.

After this account of the progress and the means of resistance to the authority of parliament, he argues in support of that authority, that the colonies are a part of Great Britain, and therefore, necessarily subject to the supreme legislature of the whole empire ;—that there cannot be two sovereign powers in the same state,—and that if the colonies were not subordinate to parliament, each would be a separate kingdom, whose assembly would pursue its own particular interest without regard to that of the rest, and there could be no provision for the good of the whole, no just apportionment

among the several parts of the expense of supporting the common government. He asserts too, that it had been the immemorial usage of parliament to regulate the internal concerns of the colonies, and even to lay taxes on them, and mentions several statutes as instances of the exercise of such authority. On the whole he concludes, that if they laboured under any grievance, it was not the exertion of illegal power over them by parliament, but their want of representatives in that body.

He seems, however, to rely with most confidence on arguments, tending to show the probability of defeat, and constantly recurs to them with an evident conviction of their validity and success ;—recollecting probably, that men's conduct is often as much influenced by their expectation of the event, as their subsequent judgments are by the knowledge of it ; and that an apprehension of the unfavourable termination of the contest with Great Britain had already separated some honest and intelligent men from the popular party, and kept some zealous patriots standing for a time on the sharpest edge of hesitation. Sometimes he dwells on the guilt and punishment of rebellion, and warns the people that their own thoughtlessness and the ambition of their leaders had hurried them on till they were exposed to its penalty, from the infliction of which he is labouring to save them. 'I saw the small grain of sedition when it was planted ; it was as a grain of mustard. I have watched the plant until it has become a great tree ; the vilest reptiles that crawl upon the earth, are concealed at the root ; the foulest birds of the air rest upon its branches. I now would induce you to go to work immediately, and cut it down,—for a two fold reason ; because it is a pest to society, and lest it be felled suddenly by a stronger arm and crush its thousands in its fall.' He states that the English nation is united in the persuasion of its right to tax the colonies, and no less determined to maintain, than America is to resist it ; that an issue has been rashly tendered by the colonists, which can be decided only by the sword, whose decision is not doubtful ; for the army of the parliament will have nothing to encounter but an undisciplined militia, its navy will destroy the towns upon the coast, while the Canadians and savages will desolate the back settlements. On the other side, the colonies will not unite in the war, New England alone or perhaps this single province will be the

victim ; and in this province itself there are many, who, if they must fight, will fight under the standard of loyalty. Even should the colonies be successful and attain independence, their mutual jealousies and rivalries would prevent their uniting under any one government ; unless indeed their army, after its triumph over that of England, should become subservient to the ambition of its leader, and subject them to his despotic power. Or if these evils should be escaped, France and Spain would soon recover their ancient possessions on this continent, and making an easy prey of the colonists, no longer defended by the power of Great Britain, would divide their spoils between them.

Now for the other side of the picture. John Adams, on his return from Philadelphia, where he had been as a member of the continental congress, finding the newspapers filled with ministerial publications, among which those of *Massachusetts* were the most able and conspicuous, determined to expose the misrepresentations of fact and the fallacious reasonings which they contained. He states the scheme of taxing the colonists by act of parliament, to have originated with the tory party in America ; and to have been proposed by Governor Shirley in 1754 to Dr. Franklin, who at that time urged against it the same arguments by which it has been ever since opposed. It was then abandoned and its enforcement first attempted by the act of 1764, when and ever since the right of parliament to raise any revenue in this country has been disputed. Referring to the proceedings above detailed by us, he complains of the ignorance or misrepresentation of his opponent in asserting that opposition began after the passage of the stamp act, and declares that the resolutions of Virginia, though highly honourable to that province and to their author, made no alteration in the opinion of the colonies. He shews that the restrictions on the trade of this country were contributions to the wealth of the British, far greater than its proportion of the national expenditure,—that the Americans had not made any new demands nor advanced any new doctrines, but merely insisted on the continuance of the mode of government, practised from the first settlement of the country,—and that the duty on tea was in fact designed as a precedent ; it was too trifling to be persisted in with any other view ; or at any rate it would be a precedent in effect. It was surely no cause of wonder or of complaint,

that the people should choose such a house, and the house such a council, as represented their sentiments faithfully. How could the juries be other than whigs, when nine tenths of the people were such ; or how could they punish as crimes what they deemed upright and lawful resistance to illegal measures ? ‘The house and board were whigs, the grand juries and petit juries were whigs, towns were whigs, the clergy were whigs, the agents were whigs, and wherever you found people you found all whigs ;’—and so much the greater the folly as well as the guilt of those who attempted to crush them. One of the most elaborate of these essays gives an account of the destruction of the tea, and vindicates it on the ground of its necessity. The committees of correspondence are admitted to be powerful agents for uniting the people, and the strongest barriers of liberty ; but are said to exercise no powers except those delegated to them by the people, and to hold themselves always amenable to them.

But the author of *Novanglus* hastens to the question of right, and evidently delights to dwell on it ; conscious that it was the foundation of the controversy and the strong hold of his cause. He asserts that the colonies were no part of Great Britain ; for when that kingdom was formed by the union of England and Scotland, they were not parts of either, nor have they ever been annexed to the realm by act of parliament and their own consent. The parliament is supreme over those dominions only which are represented in it. The necessity of one general superintending power for the regulation of trade is admitted, and this necessity has induced the colonists to acquiesce in the exercise of this power by parliament, but no such power is necessary for any other purpose. Inconvenience may indeed result from the want of a body, by which the burdens requisite for the common defence and security may be duly apportioned, yet it would be not only inconvenient but unjust that this should be done by one of the parties alone, by a parliament ignorant of the wants and resources of America, and interested to lay on it the heaviest share of the burden. Admitting this want however to be a defect in the constitution, which can be endured no longer, surely it must be supplied by the common consent of all whose interests are to be affected by the change. Instances are adduced to shew that the right of parliament to regulate the internal concerns of the colonies had not been

admitted by them, and that its right to raise a revenue here had always been constantly and strenuously denied. The idea that subjection to that body is involved in allegiance to the king, is controverted, and allegiance proved to be due to the person of the sovereign only and not to the parliament or to the crown.

He then enters into a learned and minute investigation of the manner in which England acquired its authority over Wales and Ireland, and shews it to be founded, as far as it has any just foundation, on compact with those countries. But where and when was any compact made with America? He disclaims for the colonies the idea of any further independence than had always been enjoyed by them, and laughs at the charge of rebellion. Those are rebels who resist the supreme authority, but it is no crime to resist oppression. What if it be treason to subvert established government? It is the ministry and their adherents who are attempting to subvert it; the people are struggling for its support. He denies that the English are united in favor of parliament, and appeals to the resolutions of the colonists to shew how united they are against it. With characteristic boldness he spurns the thought of danger,—if England will appeal to the sword, Americans will not stand still to be butchered,—their militia will learn discipline,—the ruin of the commercial towns may exasperate, but cannot subdue the country,—the Canadians and savages may perhaps be their friends; if not they do not fear them as enemies,—in a land-war, this continent might defend itself against the world,—and let come what will, any thing is better than unqualified subjection. The last of these essays is dated April 17, 1775. Two days afterwards hostilities commenced at Lexington, and put a stop to the publication.

The essays of *Massachusettensis* are written with great ingenuity and address, and in an ornamented and polished style; those of *Novanglus* are distinguished by clearness and force of reasoning, copiousness of illustration, vehemence of manner, and occasional traits of genuine and original humour, which remind us of Dr. Franklin. Both are admirably adapted to their object, and cannot be read without emotion even now. What intensity of feeling must have been excited by them at the time of their publication? The private history of their authors gives them a peculiar interest.

Engaged in the same pursuits, and highly distinguished among all their associates, they had been friends from their youth up. They habitually addressed each other by their christian names, Jonathan and John, and Mr. Adams, in allusion to one of the most engaging portions of scripture history, frequently expressed the wish that his name had been David, as an emblem of their affection. They early embraced different political opinions; but until the year 1774, notwithstanding the general prevalence of a bitterness of party spirit, such as has not been seen in our days; amid contentions, which seemed to snap the bands of society asunder, the attachment of these two men, among the most active, zealous and eminent of their respective parties, remained unbroken. But at last the sword was drawn to separate brother from brother, and friend from friend. The following account of their parting is from the preface by Mr. Adams.

‘We continued our friendship and confidential intercourse, though professedly in boxes of politics, as opposite as east and west, until the year 1774, when we both attended the Superior Court in Falmouth, Casco-bay, now Portland. I had then been chosen a delegate to Congress. Mr. Sewall invited me to take a walk with him, very early in the morning, on the great hill. In the course of our rambles he very soon began to remonstrate against my going to Congress. He said “that Great Britain was determined on her system; her power was irresistible and would certainly be destructive to me, and to all those who should persevere in opposition to her designs.” I answered, “that I knew Great Britain was determined on her system, and that very determination determined me on mine; that he knew I had been constant and uniform in opposition to all her measures; that the die was now cast; I had passed the Rubicon; swim or sink, live or die, survive or perish with my country, was my unalterable determination.” The conversation was protracted into length, but this was the substance of the whole. It terminated in my saying to him, “I see we must part, and with a bleeding heart I say, I fear forever; but you may depend upon it, this adieu is the sharpest thorn on which I ever sat my foot” I never conversed with him again ’till the year 1788. Mr. Sewall retired in 1775 to England, where he remained and resided in Bristol.’

‘In 1788,[*] Mr. Sewall came to London to embark for Hali-

* Mr. Adams was then ambassador from the United States at the Court of Great Britain.

fax. I inquired for his lodgings and instantly drove to them, laying aside all etiquette, to make him a visit. I ordered my servant to announce John Adams, was instantly admitted, and both of us forgetting that we had ever been enemies, embraced each other as cordially as ever. I had two hours conversation with him in a most delightful freedom upon a multitude of subjects. He told me he had lived for the sake of his two children; he had spared no pains nor expense in their education, and he was going to Halifax in hope of making some provision for them. They are now two of the most respectable gentlemen in Canada. One of them a Chief Justice; the other an Attorney General. Their father lived but a short time after his return to America; evidently broken down by his anxieties and probably dying of a broken heart. He always lamented the conduct of Great Britain towards America. No man more constantly congratulated me, while we lived together in America, upon any news, true or false, favourable to a repeal of the obnoxious statutes and a redress of our grievances; but the society in which he lived had convinced him that all resistance was not only useless but ruinous.'

These productions confer high honour, not only on their authors, but on those to whom they were addressed. Recollect the time when they were written. Argument, remonstrance, expostulation, all amicable modes of controversy, were exhausted; Boston was filled with troops designed to enforce the edicts of the government, and the Americans were ready for the conflict, and only waiting for the first blood to be shed by their enemies to sanction the last measure of resistance, an appeal to arms. The storm was just bursting,—and what is it that we hear? Not the sullen murmurs, not the mutterings of vengeance, which ordinarily precede the tempest of civil commotion, but the still small voice of reason. Instead of the ravings of fanaticism, or speculative rant about the perfectibility of human nature, and its exemption from all political control,—arguments founded on justice, established usage and expediency are addressed to the public, and urged, on both sides, by men well able to estimate their effect, with an evident persuasion that they would influence the minds and conduct of the people.